

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CONSTELLATION NEWENERGY, : CIVIL ACTION  
INC., :

**Plaintiff :**

vs. :

POWERWEB TECHNOLOGIES,  
INC., et al.,

Defendants : NO. 02-CV-2733

Wednesday, May 19, 2004, Philadelphia, PA

Deposition of RAYMOND F. DOVELL, CPA,  
in pursuant to notice, at the law  
firm of Saul, Ewing, LLP, Centre Square  
Building, 30 Market Street, 38th Floor, on the  
date, beginning at approximately 10:25  
a.m., before Andrea M. Brinton, RPR, CSR and  
notary public.

V A R A L L O Incorporated  
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Philadelphia, PA 19103  
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1  
2       A. There certainly wasn't any  
3 references in the documents that I looked at  
4 that talked about that.

5       Q. Right. And that's just the  
6 documents on Exhibit 1; right?

7       A. Yes.

8       Q. Out of the universe of BGE  
9 documents?

10                   MR. GLASER: We looked at  
11 everything Mr. Pappas relied on as well.

12                   THE WITNESS: I don't know what  
13 the --

14 BY MS. GOODCHILD:

15       Q. You looked at the documents that  
16 were referenced in Mr. Pappas' report;  
17 correct?

18       A. Correct. I looked at Mr. Pappas'  
19 report and I wanted all the documents that  
20 were referenced in Mr. Pappas' report to see  
21 what he was reviewing to base his lost profits  
22 calculation on.

23       Q. Okay. And your opinions are based  
24 on the assumption that Mr. Pappas didn't use  
25 any knowledge of his own; is that correct?

1

2       A. My opinions are based upon what he  
3 has in his report and what he referenced as  
4 what he used in his report as a basis and as  
5 data for his lost profits calculation.

6                  If he used knowledge of his  
7 own, he did not cite it in his report about  
8 what the source or what type of information  
9 that he was using.

10                 From his report, I don't see  
11 any specific comments about that this is  
12 knowledge that I have about the company's  
13 operations.

14       Q. Okay. Second paragraph of  
15 Mr. Pappas' report says that he provides  
16 write-up tax and accounting services  
17 throughout the year; is that correct?

18       A. That's correct.

19                 MR. GLASER: Are you suggesting  
20 that obviates him under Rule 26? Because if  
21 so, we should probably get in front of the  
22 judge as soon as possible.

23                 MS. GOODCHILD: Zach, I'm  
24 deposing Mr. Dovell right now.

25                 MR. GLASER: You're making